

**MINUTES  
DAVIE COUNTY BOARD OF COMMISSIONERS  
SPECIAL CALLED MEETING  
MONDAY, JULY 11, 2011**

The Davie County Board of Commissioners met in a special called session at 6:00 p.m., Monday, July 11, 2011 in the Commissioners' Meeting Room, Davie County Administration Building, 123 South Main Street, Mocksville, NC.

Commissioners Present:

Mark S. Jones, Chairman  
Kennon A. "Ken" White, Vice-Chairman  
Carl Humphrey  
Richard B. Poindexter  
Robert Wisecarver

Commissioners Absent:

None

Others Present:

Beth M. Dirks, County Manager  
James J. Stockert, Deputy County Manager  
Sally W. Smith, County Attorney  
Robin M. West, Finance Director  
Brenda B. Hunter, Clerk to the Board

Chairman Jones called the meeting to order.  
Commissioner Wisecarver offered the invocation.  
Vice Chairman White led in the Pledge of Allegiance.

**Public Hearing – Zoning Map Amendment:**

- A. Davie County submitted a request to rezone approximately 667 acres off Baltimore Road from Industrial – 1 (I-1) and Residential Agricultural (R-A) to Industrial -3 (I-3). The subject area is located at 898 Baltimore Road and is described as Davie County Tax Parcels F700000018 and F70000001811 and is further described as per property description incorporated as part of the minutes.

**Attachment A**

The request is to rezone two parcels that consists of approximately 667 acres from Industrial -1 (I-1) and Residential Agricultural (R-A) to Industrial-3 (I-3). The property is located on the west side of Baltimore Road and is referred to as the RJ Reynolds site. Surrounding zoning districts and land uses are R-A, R-20 and I-2-S. The properties were originally zoned in 1973. In 1997 the properties were submitted for rezoning as an I-3 classification. The Planning Board recommended approval, but the request was subsequently withdrawn.

The Industrial district is a broad category of industrial uses within four subgroups that are distinguished for the other by its degree of compatibility with commercial uses and in some

instances residential uses. The degree of compatibility decreases as the districts increase from I-1 to I-4.

The property is located in an area designated as Industrial on the Davie County Land Use Plan. This category is intended to preserve and protect important industrial properties and other related areas from encroachment by non-industrial land uses. Industrial uses should have adequate street access, water and sewer services, and may require relatively large tracts of land. Properties used previously for farming may be suitable for conversion to industrial activities. The Plan suggests future industrial sites to be in proximity to other existing industrial sites and list the RJ Reynolds property and others as examples.

The property is located in an area that is designated as a Secondary Growth Area in the Davie County Growth Enhancement Strategy. Transitional residential development is predominant in this area with major subdivisions scattered between agricultural and commercial land use patterns. Both public water and sewer infrastructure access is unlikely within the immediate future. The availability of large undeveloped tracts can substantially alter the development character of established residential areas.

The Board may not consider any specific use of the property, but should consider all possible uses in the Industrial-3 (I-3) district. If approved, any addition of new structure will go through a Change of Use/Occupancy review and the Project Review Committee to ensure compliance with zoning standards.

At its meeting on June 28, 2011, the Davie County Planning Board voted to approve the zoning map amendment with a vote of six in favor and one opposed.

**Mr. Terry Bralley, President, Davie County Economic Development Commission,** stated that the Reynolds property is a nice industrial site with 410,000 square feet and 36 warehouse storage units. One of the weaknesses in the site is the limited ability to manufacture a product. There are currently 15 employees who work at the facility. It is scheduled to close in 2012. Mr. Bralley stated that 95% of clients are looking for a facility.

Ms. Beth Dirks, County Manager, opened the public hearing and asked if there was anyone present who wished to speak in favor of the proposed zoning map amendment to rezone approximately 667 acres off Baltimore Road from Industrial-1 (I-1) and Residential Agricultural (R-A) to Industrial-3 (I-3).

There was no one present who wished to comment.

Ms. Dirks asked if there was anyone present who wished to speak in opposition to the proposed zoning map amendment or who would like further information.



**Mr. Dave Wittlinger, 169 Browder Lane, Advance,** stated that there are five properties in the Baltimore Trails Subdivision that would be directly impacted by the proposed rezoning. He referenced Policy 3.1 of the Davie County Growth Enhancement Strategy and inquired as to why the request is to rezone approximately 667 when 367 acres are currently zoned I-1. Mr. Wittlinger stated that he moved to Davie County for the quality of life and does not want a large manufacturing facility in his backyard.

**Mr. Brian Monk, 188 Baltimore Trails, Advance,** stated that his property borders the property proposed to be rezoned. He expressed concern related to increased traffic and the potential to diminish the value of his property. Mr. Monk asked what recourse he would have if the rezoning is approved.

**Mr. Mike Cook, 197 Browder Lane, Advance,** stated that he lives in the Baltimore Trails Subdivision, which is an equestrian neighborhood. He referenced sections of the Davie County Secondary Growth Enhancement Strategy. Mr. Cook asked several questions and stated concerns related to increased traffic, the availability of adequate public safety and emergency services, what type of hazardous materials would be on the site, storm water runoff, the potential for ground water contamination, potential noise and smells, hours of operation, if adequate buffering would be required, and if the facility would have public water and sewer. Mr. Cook stated that another concern is the railroad track which has not been used in several years.

**Mr. Sherman Dalton, 136 Canton Road, Advance,** stated that he is in favor of opportunities for growth and jobs, but has some of the same concerns that have been brought up by the previous speakers. He commented that citizens could not get access to information in order to find out what is included in an I-3 district and were also not aware of the situation until about 4-5 weeks ago. Mr. Dalton asked that the rezoning be deferred in order to allow the affected citizens to obtain more information. He inquired if a traffic study had been done.

There being no one else who wished to comment, Ms. Dirks closed the public hearing.

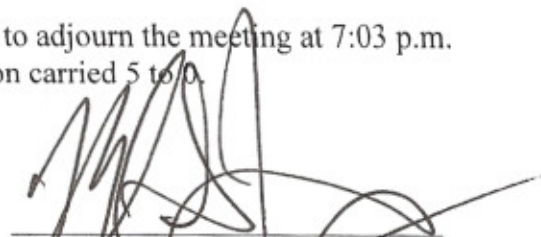
Mr. Andrew Meadwell, Planning Director, stated that the Reynolds property was identified in the Growth Enhancement Plan as one of the top industrial sites in the county. However, the property was under zoned which limited the type of industry that would be allowed.

It was noted that the majority of the questions and concerns that were expressed would be dealt with during the Project Review process which would determine if the industry would be suitable for the site and would ensure that it meets all of the county's requirements and regulations.

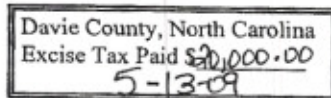
Commissioner Humphrey made a motion to approve the zoning map amendment to rezone approximately 667 acres off Baltimore Road from Industrial -1 (I-1) and Residential-Agricultural (R-A) to Industrial-3 (I-3) as the amendment is consistent with all applicable adopted plans and considers the action to be reasonable and in the public interest. Commissioner White seconded the motion. The motion carried 5 to 0.

**Adjournment:** Commissioner Wisecarver made a motion to adjourn the meeting at 7:03 p.m. Commissioner Humphrey seconded the motion. The motion carried 5 to 0.

  
Brenda B. Hunter, Clerk to the Board  
Board of Commissioners

  
Mark S. Jones, Chairman  
Board of Commissioners

02780



FILED FOR REGISTRATION  
MAY 13, 2009 3:22 P.M.  
DATE TIME  
AND RECORDED IN BOOK 792 PAGE 553  
M. BRENT SHOFF, REGISTER OF DEEDS  
DAVIE COUNTY, NC  
BY *[Signature]*  
DEPUTY

DEED TRANSFER CHECKED

DATE 5-13-09 BY *[Signature]*  
TAX ADMINISTRATOR

## SPECIAL WARRANTY DEED

Tax Stamp \$20,000 (lump)Drafted by: Alfred G. Adams, Womble Carlyle Sandridge & Rice, PLLC  
Return to: L. McKay Whitley - 19 South Fayetteville St., Asheboro, NC 27203STATE OF NORTH CAROLINA )  
 )  
COUNTY OF DAVIE )

THIS DEED made this 13th day of May, 2009, by and between R. J. REYNOLDS TOBACCO COMPANY, a North Carolina corporation, (hereinafter referred to as "Grantor"), and SCHWARZ-RJR, LLC, a North Carolina limited liability company, (hereinafter referred to as "Grantee"), whose mailing address is 1947 N. Fayetteville Street, Asheboro, NC 27203. The designation Grantor and Grantee, as used herein, shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter, as required by context.

**WITNESSETH:**

That the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Shady Grove Township, Davie County, North Carolina, and more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND  
INCORPORATED HEREIN BY REFERENCE.**

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor only, except for the exceptions

0792  
0554

BK 792 PG 554

ATTACHMENT A (Continued)

hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

**Subject to easements, restrictions and rights of way of record, utility lines in existence over and under the above described property, and 2009 ad valorem taxes which have been prorated to the date of delivery of this deed of conveyance.**

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Grantor has hereunto caused this instrument to be signed  
as of the day and year first above written.

R. J. REYNOLDS TOBACCO COMPANY

By: *Andrew D. Gilchrist*  
Name: Andrew D. Gilchrist  
Title: EXECUTIVE VICE PRESIDENT

STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

I certify that the following person personally appeared before me this day, and  
acknowledged to me that he or she voluntarily signed the foregoing document for the purpose  
stated therein and in the capacity indicated: Andrew D. Gilchrist

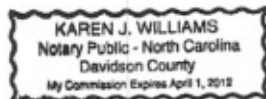
(Name of Person Signing)

Date: May 13, 2009

*Karen J. Williams*  
(official signature of Notary)  
Karen J. Williams, Notary Public  
(Notary's printed or typed name)

(Official Seal)

My commission expires: April 1, 2012





**EXHIBIT A****Legal Description**

916 Baltimore Road

That certain parcel of land, situated, lying and being in the Shady Grove Township, Davie County, North Carolina, and being more particularly described as follows:

**COMMENCING** at a *NGS Monument "BALTIMORE"*, having NC GRID NAD83 coordinates of N:809,695.72 ft, E:1,568,412.60 ft, **combined grid factor: 0.99991670**; thence N 19°59'16" E a horizontal ground distance of 238.72 feet to a *calculated point*, said point being located in the centerline of Baltimore Road (a 60' public right-of-way); which is the **POINT OF BEGINNING**; having NC GRID NAD83 coordinates of N:809,920.05 ft, E:1,568,494.19 ft; thence with the centerline of Baltimore Road the following 6 courses and distances: 1) S 11°30'18" W a distance of 104.26 feet to a *calculated point*; 2) S 10°19'18" W a distance of 100.00 feet to a *calculated point*; 3) S 07°01'18" W a distance of 100.00 feet to a *calculated point*; 4) S 03°40'18" W a distance of 79.13 feet to a *calculated point*; 5) S 02°59'18" W a distance of 1,267.81 feet to a *calculated point*; 6) S 02°48'18" W a distance of 912.13 feet to a *calculated point*; thence turning and leaving the centerline of Baltimore Road with the following 7 courses and distances through the RJ Reynolds Tobacco Company Property as described in Deed Book 65, Page 400 and Map Book 3, Page 121-A of the Davie County Registry: 1) N 87°09'53" W crossing an *existing nail* at a distance of 31.51 feet for a total distance of 2,659.86 feet to an *existing iron pipe*; 2) S 02°50'01" W a distance of 99.98 feet to an *existing iron pipe*; 3) N 87°09'44" W a distance of 290.04 feet to an *existing iron pipe*; 4) N 02°52'25" E a distance of 79.89 feet to an *existing iron pipe*; 5) N 87°10'12" W crossing an *existing iron pipe* at a distance of 1,250.18 feet for a total distance of 1,361.16 feet to a *new iron rod*; 6) N 02°50'22" E a distance of 1,534.79 feet to a *new iron rod*, said point being located N 87°10'10" W a distance of 110.98 feet from an *existing iron rod*; 7) N 87°10'10" W a distance of 806.78 feet to an *existing iron pipe*; said point being located on the eastern line of the Jeanette A. Cook Property as described in Deed Book 66, Page 206 of the Davie County Registry; thence with the Jeanette A. Cook Property N 25°58'43" E crossing an *existing concrete monument* at a distance of 932.46 feet for a total distance of 1,395.88 feet to an *existing concrete monument*, said point being located on the southern property line of the Brian W. Horne Property as described in Deed Book 569, Page 500 of the Davie County Registry; thence with the southern property line of the aforesaid Brian W. Horne Property and with a portion of the Charles M. Wall southern property line as hereinafter referenced S 86°39'00" E a distance of 492.31 feet to an *existing concrete monument*, said point being located on the southern line of the Charles M. Wall Property as described in Deed Book 167, Page 294 of the Davie County Registry; thence with the aforesaid Charles M. Wall Property the following 4 courses and distances: 1) S 86°59'24" E crossing an *existing concrete monument* at a distance of 589.75 feet for a total distance of 1,390.92 feet to *existing concrete monument*; 2) N 04°09'14" E a distance of 698.37 feet to an *existing concrete monument*; 3) S 86°34'10" E a distance of 389.16 feet to an *existing concrete monument*; 4) with a portion of the Charles M. Wall property line and with the southern property line of Charles W. Sheets as hereinafter referenced S 86°35'24" E a distance of 1,128.39 feet to an *existing concrete monument*, said point being located at the southeast corner of the Charles W. Sheets Property as described in Deed Book 382, Page 953 of



the Davie County Registry, said point also being located on the western line of the Patsy C. Chaffin Property as described in Deed Book 91, Page 48 of the Davie County Registry; thence with the aforesaid Patsy C. Chaffin Property the following 2 courses and distances: 1) S 05°24'05" W a distance of 903.09 feet to an *existing concrete monument*; 2) S 86°44'42" E crossing an *existing concrete monument* at a distance of 1,092.66 feet for a total distance of 1,232.87 feet to the POINT OF BEGINNING; Containing 311.14 acres as shown on a survey by R.B. Pharr and Associates P.A. dated March 15, 2009, (Map File W-3770).